

### **REMARKS**

This Preliminary Amendment is filed in response to the Final Office Action mailed in January 26, 2005, and with the Request for Continuing Examination filed on the date herewith. All objections and rejections are respectfully traversed.

Claims 1 to 6 and 8 to 16 are rejected.

Claim 7 is allowable.

Claims 17-36 are cancelled

Claims 37 to 57 are added to better claim the invention.

### **Election/Restriction Requirement**

At paragraphs 1-2, the Examiner stated newly added claims were directed to an invention that is independent or distinct from the invention originally claimed. Applicant interprets this statement to mean a restriction requirement where claims 1-16 are in Group I and claims 17-36 are in Group II. The examiner elected to examine Group I. Applicant adopts this election by the Examiner. Accordingly, claims 17-36 are cancelled without prejudice.

### **§102 Rejection**

At paragraphs 4 and 5 of the Office Action claims 1-5 and 9-14 were rejected under 35 U.S.C. §102 as being unpatentable in view of Carusone, Jr. et al, US patent No. 5,157,667, issued on October 20, 1992, hereinafter Carusone.

The present invention, as set forth in representative claim 1 comprises in part:

1. A method for storing and distributing data in a network storage system having a plurality of devices interconnected with one or more switches, the method comprising the steps of:  
    writing, by one of the plurality of devices, a set of data to a memory associated with a port of one of the one or more switches, the memory being readable by all of the plurality of devices;  
    ***including in the set of data a disk identification string;*** and  
    reading, by one of the plurality of devices, the set of data from the memory.

Carusone discloses a switch having ports, the ports each connected to a link. Each link has a control unit, and has a plurality of peripheral devices. When any unit detects an error in a link, or in a peripheral device, the unit sends a notification of the error to central location. The central location then determines in response to a failure report which device is causing the error.

Applicant respectfully urges that Carusone has no disclosure of Applicant's claimed novel ***disk identification string***.

Accordingly, Applicant respectfully urges that Carusone is legally precluded from anticipating the presently claimed invention because of the absence from Carusone of Applicant's claimed novel ***disk identification string***.

### **§103 Rejection**

At Paragraphs 6-7 of the Office Action claims 6, 8, and 15-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Carusone, Jr.

Applicant respectfully notes that claims 6, 8, and 15 are dependent claims which are dependent from independent claims, and the independent claims are believed to be in

condition for allowance. Accordingly claims 6, 8, and 15 are believed to be in condition for allowance.

The present invention, as set forth in representative Claim 16, comprises in part:

16. A computer-readable medium, including program instructions executing on a file server, for storing and distributing data in a network storage system, the program instructions performing the steps of:

writing, by one of the plurality of devices, a set of data, ***the data including a disk identification string***, to a memory associated with a port of a switch, the memory being readable by all of said plurality of devices connected to the network storage system.

Applicant respectfully urges that, as set forth in the argument based on Claim 1, Carusone, Jr. has no disclosure of Applicant's claimed novel ***disk identification string*** as set out in claim 16.

Accordingly, Applicant respectfully urges that Carusone, Jr. is legally precluded from rendering obvious Claim 16 under 35 U.S.C. § 103 because of the absence from Carusone, Jr. of Applicant's claimed novel ***disk identification string***.

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims, and therefore in condition for allowance.

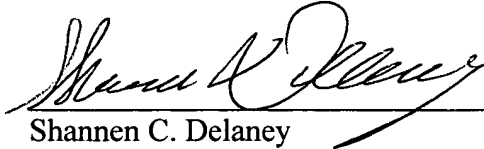
Favorable action is respectfully solicited.

PATENTS  
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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Shannen C. Delaney", is written over a horizontal line.

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